

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

United States of America)
v.)
Mark Lynn Darrel Richard) Case No: <u>02-CR-60054-001</u>
Date of Previous Judgment: <u>10/07/2003</u>) USM No: <u>11617-035</u>
(Use Date of Last Amended Judgment if Applicable)) Elbert Guillory
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 135 months is reduced to 120.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>31</u>	Amended Offense Level: <u>29</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>135</u> to <u>168</u> months	Amended Guideline Range: <u>108</u> to <u>135</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): _____

III. ADDITIONAL COMMENTS

While the applicable guideline range is 108 to 135 months, the statutorily required mandatory minimum sentence is 120 months.

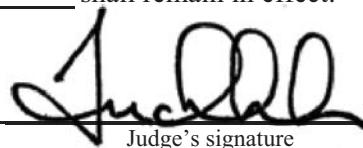
The sentence reduction ordered above is subject to the prohibition found in U.S.S.G. §1.B.1.10(b)(2)(C). Objections to this order should be filed within sixty (60) days.

Except as provided above, all provisions of the judgment dated 10/07/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: 07/16/2008

Effective Date: 09/15/2008
(if different from order date)



Judge's signature

Tucker L. Melancon, United States District Judge

Printed name and title